

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTOINE MCCLARN,)
)
Plaintiff,)
)
vs.) No. 21-cv-04012
)
UNITED STATES OF AMERICA/) **Jury Trial Demanded**
UNITED STATES POSTAL SERVICE,)
)
Defendant.)

COMPLAINT AT LAW

COMES NOW the Plaintiff, ANTOINE MCCLARN, by counsel, Disparti Law Group, P.A., and for his cause of action against Defendant, UNITED STATES OF AMERICA/UNITED STATES POSTAL SERVICE, states as follows:

1. This action arises under 28 U.S.C. § 2671 et seq.
2. Jurisdiction is based upon 28 U.S.C. § 1346.
3. Venue is placed in the above-captioned district because the events complained of occurred in the City of Chicago, County of Cook, and State of Illinois.
4. At all material times, the Plaintiff, ANTOINE MCCLARN was a citizen of the United States of America and resided in the City of Chicago, County of Cook and State of Illinois.
5. At all material times, the Defendant, UNITED STATES POSTAL SERVICE (hereinafter referred to as "USPS") employed an unidentified individual as a USPS mail carrier and employee of the government, operating Postal Truck No.: 6420799, registered and insured by the United States Postal Service.

6. On or about September 25, 2018, the Plaintiff, ANOTINE MCCLARN, was safely operating his motor vehicle, in an eastbound direction on 119th Street, in the City of Chicago, County of Cook and State of Illinois.
7. At said time and place, the unidentified driver for the Defendant, USPS, acting as an employee of the government, was operating Postal Truck No. 6420799 in a westbound direction.
8. The unknown driver for the Defendant, USPS, as an employee of the government, owed an affirmative duty to the Plaintiff, ANTOINE MCCLARN, and other motorists on the roadways to exercise reasonable and ordinary care to properly operate the commercial vehicle in compliance with all state and federal motor carrier statutes, and a common law duty to maintain a proper look-out.
9. At said time and place, the unknown driver for the Defendant, USPS, as an employee of the government, breached the aforesaid duties of care when he negligently and/or recklessly attempted to make a left turn striking the front driver's side of the Plaintiff's vehicle.
10. That notwithstanding his duties in the said regard, the unidentified driver for the Defendant, USPS, as an employee of the government, committed one or more of the following negligent acts and/or omissions to act:
 - a. Negligently, carelessly and improperly drove, managed and operated his vehicle so as to cause a collision to occur between the vehicle of the Plaintiff and that of the Defendant;
 - b. Negligently and carelessly failed to keep his vehicle under control so as to avoid a collision between the said vehicles;
 - c. Negligently, carelessly and improperly failed to maintain proper lane usage;

- d. Negligently, carelessly and improperly failed to maintain a proper lookout for other vehicles lawfully on the roadway; and
 - e. Was otherwise negligent and careless in the operation of his vehicle.
11. As a direct and proximate result of the negligence and/or recklessness of the unknown driver for the Defendant USPS, as an employee of the government, the Plaintiff, ANTOINE MCCLARN, incurred damage to his motor vehicle and sustained bodily injuries which caused him physical pain and emotional suffering; Plaintiff's injuries resulted in him being unable to attend work for 36 (thirty-six) days; Plaintiff incurred expenses due medical treatment in the sum of \$40,166.21; and Plaintiff suffered a diminution in the quality of his life for several months.
12. Under the circumstances, the person responsible for the operation of the Postal Truck, if he were a private person, would be liable to the Plaintiff for the compensatory damages resulting from this motor vehicle collision.
13. The Postal truck which collided with the Plaintiff's motor vehicle was owned and being used by the United States Postal Service in the delivery of United States mail, and the unknown driver for the Defendant, USPS, was acting in an official capacity on behalf of the United States Postal Service in the delivery od United States Mail. The collision occurred while the unknown driver for the Defendant, USPS, was an employee of the United States Government in the scope of his office and employment on behalf of the United States Postal Service.
14. On September 3, 2020, the Plaintiff, ANTOINE MCCLARN, presented his claim in writing to the Defendant, USPS, for damages covering the collision and medical expenses. No settlement offer was made by the Tort Claims Adjuster for the Defendant, USPS.

Wherefore, the Plaintiff, ANTOINE MCCLARN, by counsel, demand judgment against the Defendant, UNITED STATES POSTAL SERVICE, in an amount reasonable under the circumstances, costs of this action and all other further just relief.

Respectfully submitted,
DISPARTI LAW GROUP, P.A.

By:



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